

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) An isolated nucleic acid molecule encoding a polypeptide comprising ~~[[an]]the~~ amino acid sequence as set forth in SEQ ID NO: 2 ~~or an amino acid sequence having at least 80% identity to SEQ ID NO: 2~~, wherein said polypeptide is present in plant zygotic embryos or embryogenic callus and is substantially not present in non-embryogenic tissue and wherein said nucleic acid permits discrimination of plant tissue at different developmental stages.
2. (Currently Amended) An isolated nucleic acid molecule of Claim 1, wherein said nucleic acid molecule comprises ~~[[a]]the~~ sequence of nucleotides as set forth in SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, ~~or a nucleotide sequence having at least about 71% identity to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, or a nucleotide sequence capable of hybridizing to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form under low stringency conditions.~~
3. (Original) An isolated nucleic acid molecule of Claim 1, wherein the nucleic acid molecule is developmentally regulated.
4. (Original) An isolated nucleic acid molecule of Claim 1, 2 or 3, wherein the nucleic acid molecule is expressed substantially in embryogenic material of oil-palm plants or related plants but not in non-embryogenic material.
5. (Canceled)
6. (Previously Presented) An isolated nucleic acid molecule of Claim 1, wherein the nucleic acid molecule comprises the nucleotide sequence as set forth in SEQ ID NO: 1.

7. (Previously Presented) An isolated nucleic acid molecule of Claim 1, wherein the nucleic acid molecule comprises the nucleotide sequence as set forth in SEQ ID NO: 3.

8. (Currently Amended) A genetic construct comprising a nucleic acid molecule encoding a polypeptide comprising [[an]]~~the~~ amino acid sequence as set forth in SEQ ID NO: 2 ~~or an amino acid sequence having at least 80% identity to SEQ ID NO: 2~~, wherein said polypeptide is present in plant zygotic embryos or embryogenic callus and is substantially not present in non-embryogenic tissue and wherein said nucleic acid permits discrimination of plant tissue at different developmental stages.

9. (Currently Amended) A genetic construct of Claim 8, wherein the nucleic acid molecule is substantially as set forth in ~~comprises the nucleotide sequence as set forth in SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, or a nucleotide sequence having at least about 71% identity to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, or a nucleotide sequence capable of hybridizing to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form under low stringency conditions.~~

10. (Original) A genetic construct of Claim 8, wherein the nucleic acid molecule is developmentally regulated.

11. (Original) A genetic construct of Claim 8, 9 or 10, wherein the nucleic acid molecule is expressed substantially in embryogenic material of oil-palm plants or related plants but not in non-embryogenic material.

12. (Canceled)

13. (Currently Amended) A genetic construct of Claim [[12]]8, wherein the nucleic acid molecule comprises [[a]]~~the~~ sequence of nucleotides as set forth in SEQ D NO: 1.

14. (Currently Amended) A genetic construct of Claim [[12]]8, wherein the nucleic acid

molecule comprises [[a]]the sequence of nucleotides as set forth in SEQ ID NO: 3.

15. (Original) A genetic construct of Claim 8 or 9, wherein said construct further comprises one or more promoter sequences or transcription termination sequences.

16. (Original) A genetic construct of Claim 15, wherein said construct further comprises one or more origins of replication and/or selectable marker gene sequences.

17. (Currently Amended) A vector comprising a construct of any one of Claims 8-10 or [[12]]13-14.

18. (Currently Amended) A host cell comprising a nucleic acid molecule encoding a polypeptide comprising [[an]]the amino acid sequence as set forth in SEQ ID NO: 2 ~~or an amino acid sequence having at least 80% identity to SEQ ID NO: 2~~, wherein said polypeptide is present in plant zygotic embryos or embryogenic callus and is substantially not present in non-embryogenic tissue and wherein said nucleic acid permits discrimination of plant tissue at different developmental stages.

19. (Currently Amended) A host cell of Claim 18, wherein said nucleic acid molecule comprises [[a]]the sequence of nucleotides as set forth in SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, ~~or a nucleotide sequence having at least about 71% similarity to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, or a nucleotide sequence capable of hybridizing to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form under low stringency conditions.~~

20. (Original) A host cell of Claim 18, wherein the nucleic acid molecule is developmentally regulated.

21. (Original) A host cell of Claim 18, 19 or 20 wherein the nucleic acid molecule is expressed substantially in embryogenic material of oil-palm plants or related plants but not in non-

embryogenic material.

22. (Cancelled)

23. (Previously Presented) A host cell of Claim 18, wherein the nucleic acid molecule comprises the nucleotide sequence as set forth in SEQ ID NO: 1.

24. (Previously Presented) A host cell of Claim 18, wherein the nucleic acid molecule comprises the nucleotide sequence as set forth in SEQ ID NO: 3.

25. (Original) A host cell of Claim 18, wherein the cell is a plant cell.

26. (Original) A plant cell of Claim 25, wherein the cell is from an oil-palm plant.

27-33. (Cancelled)

34. (Withdrawn and currently amended) A method for producing a recombinant polypeptide in a host cell or tissue, said method comprising introducing into the said cell or tissue an expression vector comprising [[a]]the nucleic acid molecule of claim 1 or 2 wherein said nucleic acid molecule comprises a sequence of nucleotides substantially as set forth in SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, or a nucleotide sequence having at least about 71% similarity to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form or a nucleotide sequence capable of hybridizing to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form under low stringency conditions, wherein said nucleic acid molecule is operably linked to one or more regulatory sequences such that the nucleic acid molecule is capable of being expressed in said cell or tissue.

35-36. (Cancelled)

37. (Withdrawn and currently amended) A method of Claim [[36]]34, wherein said nucleic acid

molecule comprises a sequence of nucleotides substantially as set forth in SEQ ID NO: 1.

38. (Withdrawn and currently amended) A method of Claim [[36]]34, wherein said nucleic acid molecule comprises a sequence of nucleotides substantially as set forth in SEQ ID NO: 3.

39. (Withdrawn and currently amended) A method for modulating apoptotic processes in a cell or tissue, said method comprising introducing into said cell or tissue an expression vector comprising [[a]]~~the nucleic acid molecule of claim 1 or 2, said nucleic acid molecule comprising a sequence of nucleotides substantially as set forth in SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form, a nucleotide sequence having at least about 71% similarity to SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form or a nucleotide sequence capable of hybridizing SEQ ID NO: 1 or SEQ ID NO: 3 or its complementary form under low stringency conditions~~ wherein said nucleic acid molecule is operably linked to one or more regulatory sequences such that the nucleic acid molecule is capable of being expressed in said cell or tissue.

40-41. (Canceled)

42. (Withdrawn and currently amended) A method of Claim [[41]]39, wherein said nucleic acid molecule comprises a sequence of nucleotides substantially as set forth in SEQ ID NO: 1.

43. (Withdrawn and currently amended) A method of Claim [[41]]39, wherein said nucleic acid molecule comprises a sequence of nucleotides substantially as set forth in SEQ ID NO: 3.

44. (Canceled)

45. (Withdrawn and currently amended) A method for detecting embryogenic plant material, said method comprising immobilizing a sample putatively containing RNA from the material to be screened on a solid support, and contacting said immobilized RNA with a labelled nucleotide sequence capable of hybridizing to all or part of an mRNA transcript corresponding to the nucleic acid molecule which comprises the nucleotide sequence set forth in SEQ ID NO: 1 or

SEQ ID NO: 3, ~~or their derivatives or homologues as defined herein~~ and then detecting the presence of said label.

46. (Canceled)

47. (Withdrawn and currently amended) A method of Claim 45, wherein said nucleotide sequence is ~~substantially~~ as set forth in SEQ ID NO: 1.

48. (Withdrawn and currently amended) A method of Claim 45, wherein said nucleotide sequence is ~~substantially~~ as set forth in SEQ ID NO: 3.

49-72. (Canceled)